

**U.S. Department of the Interior
Bureau of Land Management (BLM)**

Twin Falls District
Burley Field Office
15 East 200 South
Burley, Idaho 83318

**Worksheet
Determination of NEPA Adequacy (DNA)**

NEPA No. ID-220-2009-DNA-3617

BLM Office: Burley **Lease/Serial/Case File No.:** IDI-28195-02.

Proposed Action Title/Type: Oakley Highway District (Goose Creek Pit) Free use Permit Renewal.

Location of Proposed Action: Approximately 8 miles south of Oakley Dam on Goose Creek Rd. (South of Oakley).

Applicant (if any): Oakley Highway District.

A. Description of the Proposed Action

Authorize a 10-year Free Use Permit to the Oakley Highway District for the removal of up to 40,000 cubic yards of sand and gravel to be used for road maintenance and construction in the Oakley area.

B. Land Use Plan (LUP) Conformance

Land Use Plan Name: Cassia Resource Management Plan (RMP). Date Approved/Amended: January 24, 1985.

The proposed action is in conformance with the Cassia RMP because it is specifically provided for in the following LUP decision(s): Management Area 4 – Middle Mountain, Page 19, Required Actions (F) “Open to mining and mineral leasing/sale.”

The following statements are listed on page 6 of the Cassia RMP:

A. Geology, Energy and Minerals Management

“BLM will manage geological, energy and minerals resources on the public lands. Geological resources will be managed so that significant scientific, recreational and educational values will be maintained or enhanced. Generally, the public lands are available for exploration and development, subject to applicable regulations and federal and State law.”

C. Leasing and Sale

“Energy and minerals leasing/sale is discretionary. Approval of an application for lease or sale is subject to an environmental analysis and may include stipulations to protect other resources. Generally, the public lands may be considered for energy and minerals leasing/sale.”

C. Identify the applicable National Environmental Policy Act (NEPA) document(s) and other related documents that cover the proposed action.

Cassia RMP Environmental Impact Statement, May 1984.

Oakley Highway District FUP (Goose Creek pit) Environmental Assessment (EA)

(ID-020-92-028); Decision Record and Finding of No Significant Impact, signed April 30, 1992.

That EA analyzed the impacts of authorizing a 5-year, 10-acre, FUP to the Oakley Highway District for the Goose Creek pit site. That FUP authorized the removal of 20,000 cubic yards of material from the site. The actual amount of cubic yards of material removed on that permit was 8,817 cubic yards. A subsequent 10-year permit was authorized with a Determination of NEPA Adequacy (DNA) AD# ID-020-97-073 on June 2, 1997 for 40,000 tons (~26,667 cubic yards), of which only 5500 cubic yards were removed.

During the 1992 EA, full clearances were given for endangered or threatened plants/animals. A cultural inventory indicated a lithic scatter site close to the permit boundaries. The lithic scatter site could not be located later per John Lytle, Snake River Area Archeologist, and has since been recommended to SHPO that the site no longer be retained as a culturally sensitive location (see AD# ID-020-97-073 comments).

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The proposed action is essentially similar to the selected alternative that was analyzed in the EA done for this site in 1992. This proposed action involves more material to be removed over a ten year period (40,000 cubic yards compared to 20,000 cubic yards and 10-year permit term compared to a 5-year permit term), however, no new ground will be disturbed.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Yes. A proposed action and 3 alternatives were analyzed in the 1992 EA. The proposed action was for 20,000 cubic yards of mineral to be removed over a 5-year period within a 20-acre site. The selected alternative (alternative 1) was essentially the same as the proposed action in the EA, but

the acreage was limited to 10 acres (the east half of the site from which materials are currently being excavated). Alternative #2 was to develop a gravel pit at a different site along a tributary of Goose Creek and alternative #3 was a no-action alternative, whereby the FUP would not be issued to the Oakley Highway District. The current proposed action is similar to the selected alternative (alternative 1) in the 1992 EA.

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, or updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes, the existing analysis remains valid for this project. After review by a Burley BLM wildlife biologist and botanist, the 1992 clearance for Threatened or Endangered/Sensitive plants and animals was found to remain valid. Mitigation for nesting migratory birds, if found on site, is included in the FUP stipulations. Cultural clearances were provided for both the 1992 EA and the 1997 DNA and have been determined valid for this proposal.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. There have been two previous FUPs authorized at this site. The first was authorized for 20,000 cubic yards with the 1992 EA. The second FUP was authorized for 40,000 cubic yards with the 1997 DNA. From the time that the first FUP was authorized to the present, the Oakley Highway District has removed only 14,317 cubic yards of mineral materials. The current proposal is to authorize 40,000 cubic yards. The effects from the combined removal of mineral materials (40,000 cubic yards from this proposal and 14,317 cubic yards during the previous 2 FUP authorizations) from the same 10-acre site will not be any greater than what was previously analyzed.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. The scoping that was done in 1992 for the EA is adequate for the current proposed action.

E. Persons/Agencies/BLM Staff Consulted

Name	Title	Date Reviewed	Reviewer's Initials	Resource/Agency Represented
Jeremy Bisson	Wildlife Biologist	3/20/2009	/s/ JRB	Wildlife
Jim Tharp	Natural Resource Specialist/AFOM	3/24/2009	/s/ JT	Botany
Suzann Henrikson	Archaeologist	3/25/2009	/s/ SH	Cultural Resources
Nancy Ady	Rangeland Mgmt. Specialist	3/23/2009	/s/ NA	Range
Scott Sayer	Rangeland Mgmt. Specialist	3/25/2009	/s/ SS	Range
Valerie Lenhartzen	Geologist	3/03/2009	/s/ VJL	Minerals
Ryan Berlin	Range Technician, ES&R/Weeds	3/25/2009	/s/ RB	Weeds
Katherine Farrell	Planning and Environmental Coordinator	4/13/2009	/s/ KF	NEPA

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the Cassia Resource Management Plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

/s/ Valerie J. Lenhartzen 4/22/2009
Valerie J. Lenhartzen, Project Lead Date

/s/ Jim Tharp (for) 4/22/2009
Michael Courtney, Field Office Manager Date